

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
EASTERN DIVISION**

SYLVESTER YOUNG, JR.

PETITIONER

VERSUS

CIVIL ACTION NO. 4:07-cv-162-DPJ-JCS

JIM HOOD

RESPONDENT

ORDER

This matter is before the court, *sua sponte*, to review the petitioner's habeas petition filed pursuant to 28 U.S.C. § 2254. This court finds that the petitioner failed to name the proper respondent. Rule 2(a) of the *Rules Governing Section 2254 Cases in the United States District Court* provides that the respondent named by the petitioner shall be the state officer having custody of the petitioner. Petitioner states that he is presently incarcerated at the South Mississippi Correctional Institution, Leakesville, Mississippi. Therefore, the petitioner is ordered to submit a written response to this order naming as the respondent the person who is his custodian where he is presently incarcerated. In addition, having reviewed the petition, the court finds that more information is needed regarding the exhaustion of petitioner's state court remedies. It is, therefore,

ORDERED:

1. That on or before February 13, 2008, petitioner shall file a written response to this order by naming as the respondent the person who is his custodian, *i.e.* the Warden, Superintendent, or Jailor, where he is presently incarcerated.

2. That on or before February 13, 2008, petitioner shall file a written response to specifically state if the petitioner filed any petitions, application, or motions with respect to his conviction in any court, state or federal, and if so state: (a) the name of the court(s); (b) nature of

the proceedings; (c) the grounds raised; (d) whether or not an evidentiary hearing was held; (e) the results; and (f) the date of the results. Petitioner is also directed to specifically state if he has filed a motion for relief under the Mississippi Post-Conviction Collateral Relief Act, Miss. Code Ann. §§ 99-39-1 to -29 (Supp. 1996) and if so, petitioner is directed to provide the above requested information regarding his motion.

3. That on or before February 13, 2008, petitioner shall file a written response to specifically state if he is alleging a miscalculation of his sentence on the part of the Mississippi Department of Corrections, if so, petitioner is to specifically state whether or not he has exhausted his administrative remedies available through the Mississippi Department of Corrections.

4. It is the petitioner's responsibility to prosecute this case. Petitioner must keep the court informed of any change of address and must comply with the court's orders in a timely fashion. Failure to do so may result in the dismissal of this action.

THIS, the 28th day of January, 2008.

s/ James C. Sumner

UNITED STATES MAGISTRATE JUDGE